

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52677 of 2021

Arising Out of PS. Case No.-204 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Hans Lal, Son of Gagan Dev Mahto, Residence of Village- Brahmpuri, Ward No. 09, P.S.- Gaur, District- Rauthat, at present R/V Chhatauna Gopinath, P.S.- Bairstania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 01-04-2022 The applicant/accused in Complaint Case No. C-2/204 of 2021 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016 pending in the court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, by this application is seeking his release on bail during pendency of the trial.

Heard both sides.

It is not disputed that the applicant is not having any criminal antecedent.

It is the case of the prosecution that Sashastra Seema Bal (SSB) armed forces on the Indo-Nepal Boarder had seen some persons crossing the boarder and carrying sacks. Upon seeing the members of the armed forces, those persons



threw away the sacks and ran away and amongst them the present applicant came to be arrested. From the sacks threw on the spot of the incident, total 450 litres of illicit liquor came to be seized.

The Investigation of the subject crime is over and the applicant is not having any criminal antecedent. Therefore, I see no reason to refuse bail to the applicant who is undergoing pretrial detention from April, 2021. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Complaint Case No. C-2/ 204 of 2021 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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